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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 EZEKIEL TRIVON BONDS,

11 Plaintiff,

12 v.

13 BRANDT,

14 Defendant.

CASE NO. 3:22-CV-5490-DGE-DWC

ORDER DENYING MOTIONS TO
APPOINT COUNSEL

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16 Plaintiff Ezekiel Traivon Bonds, who is proceeding *pro se* and *in forma pauperis* in this
17 42 U.S.C. § 1983 action, filed two requests for Court-appointed counsel. Dkt. 11, 14. No
18 constitutional right to appointed counsel exists in a § 1983 action. *Storseth v. Spellman*, 654 F.2d
19 1349, 1353 (9th Cir. 1981); *see United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569
20 (9th Cir. 1995) (“[a]ppointment of counsel under this section is discretionary, not mandatory”).
21 However, in “exceptional circumstances,” a district court may appoint counsel for indigent civil
22 litigants pursuant to 28 U.S.C. § 1915(e)(1) (formerly 28 U.S.C. § 1915(d)). *Rand v. Roland*,
23 113F.3d 1520, 1525 (9th Cir. 1997), *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998).
24 To decide whether exceptional circumstances exist, the Court must evaluate both “the likelihood

1 of success on the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light
 2 of the complexity of the legal issues involved.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th
 3 Cir. 1986) (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). A plaintiff must plead
 4 facts showing he has an insufficient grasp of his case or the legal issues involved and an
 5 inadequate ability to articulate the factual basis of his claims. *Agyeman v. Corrections Corp. of*
 6 *America*, 390 F.3d 1101, 1103 (9th Cir. 2004).

7 In the Motions, Plaintiff is requesting appointment of counsel to assist him generally with
 8 his case as well as with the filing of motions seeking protective orders and change of venue or a
 9 transfer. Dkt. 11, 14. While it is not clear where Plaintiff seeks to file these motions, he is
 10 seemingly also requesting counsel to assist him in state court for his criminal case and other
 11 potential civil cases. Dkt. 11, 14. He argues he is limited in his ability to litigate this case due to
 12 his imprisonment and restricted law library time. Dkt. 11. Upon review, the Court finds the
 13 Motions contain no reasons supporting Plaintiff’s need for Court-appointed counsel. Plaintiff has
 14 not shown, nor does the Court find, this case involves complex facts or law. Plaintiff has also not
 15 shown an inability to articulate the factual basis of his claims in a fashion understandable to the
 16 Court, nor has he shown he is likely to succeed on the merits of this case. In fact, at this time, the
 17 Court has declined to serve Plaintiff’s Complaint. *See* Dkt. 12. As such, the Court finds Plaintiff
 18 has failed to show the appointment of counsel is appropriate at this time. Therefore, Plaintiff’s
 19 Motions for Court-appointed counsel (Dkt. 11, 14) are denied.

20 Dated this 23rd day of August, 2022.

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 23 David W. Christel
 24 United States Magistrate Judge